

OPEN MEETING ITEM



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COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

ORIGINAL



ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

DATE: February 18, 2005

DOCKET NO: T-04285A-04-0772

FEB 18 2005

TO ALL PARTIES:

DOCKETED BY	
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Enclosed please find the recommendation of Administrative Law Judge Lyn Farmer. The recommendation has been filed in the form of an Order on:

KEVIN KNUTSON dba CRYPTIC COMMUNICATIONS
(CC&N/COPT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

FEBRUARY 28, 2005

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MARCH 8 AND 9, 2005

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For more information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

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BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 KEVIN KNUTSON DBA CRYPTIC
10 COMMUNICATIONS FOR A CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 CUSTOMER OWNED PAY TELEPHONE
13 SERVICE.

DOCKET NO. T-04285A-04-0772

DECISION NO. _____

ORDER

14 Open Meeting
15 March 8 and 9, 2005
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 FINDINGS OF FACT

21 1. On October 27, 2004, Kevin Knutson dba Cryptic Communications ("Applicant") filed
22 with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to
23 provide customer-owned pay telephone ("COPT") service in the State of Arizona.

24 2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT
25 providers were public service corporations subject to the jurisdiction of the Commission.

26 3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901
27 through R14-2-909 to regulate COPT providers.

28 4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes
rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will
provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

7. On February 14, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending approval of the application without a hearing.

8. Staff stated that the Applicant has provided a copy of its customer information placard in compliance with the Generic Tariff.

9. Staff also stated that increased pay telephone availability is in the public interest.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The provision of COPT service in Arizona by Applicant is in the public interest.

4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service in Arizona.

5. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the Application of Kevin Knutson dba Cryptic Communications for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of ____, 2005.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT

DISSENT

LF:mj

1 SERVICE LIST FOR: KEVIN KNUTSON DBA CRYPTIC COMMUNICATIONS

2
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